

1 JUDGE BENJAMIN H. SETTLE  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA  
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12 UNITED STATES OF AMERICA, ) NO. CR14-5140BHS  
13 Plaintiff, )  
14 vs. ) ORDER GRANTING UNOPPOSED  
15 JESUS PARTIDA-VALDOVINOS, ) MOTION TO EXTEND TIME TO FILE  
16 Defendant. ) INDICTMENT UNDER SPEEDY  
17 ) TRIAL ACT  
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The Court having considered the defendant's Unopposed Motion to Extend Time to File Indictment Under Speedy Trial Act finds that:

1. Mr. Partida-Valdovinos is charged by Felony Information with one count of Illegal Reentry After Deportation, alleged to have occurred on or March 14, 2013, in violation of Title 8, United States Code, Section 1326(a). Defendant was arrested and made his Initial Appearance on March 27, 2014, at which time defendant pled not guilty and the Court ordered that he be held in custody pending further proceedings.

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a summons in connection with such charges. 18 U.S.C. § 3161(b). The current deadline to file an Indictment in this case is June 14, 2014.

3. Defense counsel asserts investigation into Mr. Partida-Valdovinos' prior criminal record and the circumstances surrounding his situation at the time of his alleged

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1 offenses is ongoing. Defense counsel believes that the results of this investigation will be  
2 essential to preparing Mr. Partida-Valdovinos' defense, and may facilitate a resolution of  
3 this matter under the Government "fast track" settlement policy for reentry offenses,  
4 which is generally favorable to defendants charged with Illegal Entry offenses. If Mr.  
5 Partida-Valdovinos is indicted before a potential settlement is reached, however, he may  
6 lose his eligibility for the benefits of the fast track program.

7       4. The parties are seeking an Order continuing the time within which an  
8 Indictment must be filed on the ground that the "ends of justice served by taking such  
9 action outweigh the best interests of the public and the defendant in a speedy trial," as  
10 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(i) and (B)(iv).

11       5. The parties agree that the defense's investigation remains incomplete and  
12 the failure to grant this extension would deny the defense the reasonable time necessary  
13 for adequate and effective preparation, taking into account the exercise of due diligence.  
14 The parties agree that denial of an extension also would result in a miscarriage of justice.

15       6. The defendant has previously executed a Waiver of Speedy Indictment (Dkt 13)  
16 waiving rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-  
17 3174 in this regard, and has further agreed that the period from June 14, 2014, until June  
18 14, 2014, shall be an excludable period of time under the Speedy Trial Act pursuant to 18  
19 U.S.C. § 3161(h)(7)(A).

20       7. This is the second request for an extension of the Speedy Trial Act in this case.

21       For all the reasons set forth in the parties' motion, the Court finds that the ends of  
22 justice served by a continuance outweigh the best interests of the public and the defendant  
23 in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161.

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1       In light of the foregoing, IT IS HEREBY ORDERED that the time to file an  
2 indictment in this matter be continued to June 30, 2014. The period of delay resulting  
3 from this continuance from June 14, 2014, up to and including June 30, 2014, is hereby  
4 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7).

5       DONE this 19<sup>th</sup> day of June, 2014.

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11      BENJAMIN H. SETTLE  
12      United States District Judge

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15      Presented by:

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17      /s/ Jerome Kuh  
18      Jerome Kuh  
19      Attorney for Defendant  
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